

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Amendment of Part 74 of the Commission's) MB Docket No. 18-119
Rules Regarding FM Translator Interference)
)
)
To: Office of the Secretary
Attn: The Commission
April 26, 2019

COMMENTS FROM HENSON MEDIA, INC.

Chairman Pai, the other Commissioners and the FCC staff have earned the thanks and appreciation of many small and medium market AM broadcasters who have been able to stay financially viable and have been able to continue to provide valuable service to their communities because of their FM translators. The FCC's championing of this cause has been critical and very much appreciated.

The FCC Order regarding resolving translator interference complaints, which came out last week, proposes several changes that will be of benefit to broadcasters and help them to continue to serve their communities with their AM stations and FM translators. Allowing translators to move anywhere in their band as a minor change, is a very positive tool in resolving complaints, and will benefit the translators, full power stations and communities. The Commission is again to be congratulated on undertaking all of the hard work and effort that was needed to issue this Order.

However, after reading and studying the Order, there is a concern that there would probably be unintended consequences that would be damaging to these AM broadcasters. The procedures that are proposed for remediation of complaints seem to make it easier for a translator to be forced off the air without the full power station making a good faith and honest effort to resolve these complaints. Also, many current translators receive no complaints today within the 45 dBu contour of a full power station, but the new procedures might encourage a full power stations to encourage complaints, knowing the complainant will not be challenged. The new

procedures seem to place these translators in more jeopardy of being taken off the air and we do not think that is the FCC's intent.

Would request the Commission to consider the following suggestions before voting on the Order:

- 1) The second sentence of paragraph 33 of the Order reads: "It is our expectation that translator operators and complaining stations will work together..." This should be changed to **"Translator operators and complaining station shall work together..."** A party on either side of the issue should not be rewarded for being stubborn and should know the FCC is requiring the parties to work together to find a solution.
- 2) The Commission was correct in establishing a contour beyond which interference complaints would not be considered. However, it's our belief that **the contour should be no less than 48 dBu**, due to the concern that there is a significant difference in the number of translators that would be affected by a 45 dBu contour as compared to the 48 dBu contour. Were the rating studies that were submitted to the FCC to justify the 45 dBu based on cume or on average quarter hour listening? The majority of radio advertising is bought based on quarter hour listening and is also based on Metro numbers, so listeners outside of the metro generally don't have the same impact on advertising revenue as listeners within the Metro Area. Many of the listeners outside of the 45 or even the 48 dBu contour would be outside of the Metro Survey Area.
- 3) Paragraph 44 calls for a waiver of even the 45 dBu contour. 20 complaints from outside the 45 Dbu contour would be a very low bar, especially in large metro areas, to trigger a waiver. This waiver provision could be a Trojan Horse, which could take the teeth out of any limiting contour. **We recommend the waiver provision be eliminated.**

Submitted by:

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